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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/614,829

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Kenichiro Tada

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EXAMINER

SHIFERAW, ELENIA

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/614,829	<b>Applicant(s)</b> TADA, KENICHIRO	
	<b>Examiner</b> Eleni A. Shiferaw	<b>Art Unit</b> 2136	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7, 8 and 10-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 8 and 10-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Applicant's arguments with respect to presently pending claim 1-5, 7-8, and 10-14 have been considered but are moot in view of the new ground(s) of rejection.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7-8, and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawada et al. US Pub. 2002/0001385 A1 in view of Carny et al. 2002/0150239 A1 and Kimura USPN 4541020.

Regarding claims 1, 7, and 8 Kawada et al. discloses an information reproducing apparatus/method/medium generating audiovisual contents (0037) by simultaneously reproducing a plurality of pieces (0067) of enciphered material (fig. 6, claim 1, 0047 and 0009; *recording apparatus*), comprising:

a recording unit on which the plurality of the pieces of enciphered material information respectively having the audiovisual contents are respectively independently enciphered and recorded (0009, 0067; *consumer data...industrial data, and/or compressed pieces of encrypted audio/video data that are different, encrypted independently using different keys, is recorded on optical disk*);

an obtaining device (0050 and 0061; *consumer and industrial DVD player 13 and 15*) for obtaining plural deciphering information (0073-0074; *license/usage rights ... content ...decrypting keys for consumer ... industrial*), each of the obtained plural deciphering information for deciphering a corresponding different one of the pieces of enciphered material information (0052, 0049, 0045, 0050, 0064, and 0039; *consumer data deciphering license key ... industrial data deciphering license key*); and

a deciphering device for deciphering the different ones of the enciphered material information, from recording unit, on the basis of the obtained corresponding plural deciphering information to generate the audiovisual contents by reproducing a plurality of contents from the pieces of enciphered material information recorded on the recording unit (0045, 0049, 0064 and 0073-0074; *different information (industrial data... consumer data) that is segmented in to pieces is decrypted using different license keys that belongs to the industrial and/or consumer*).

Kawada discloses a recording apparatus recording compressed and encrypted audio/video data into different directory of a single optical disk for use by consumer or industrial using different license keys to decrypt the audio/video content (0008-0014). However, Kawada fails to disclose simultaneously decrypting and reproducing the enciphered audio/video content since the audio/video content is intended to either the industrial use or consumer use.

Nevertheless, simultaneously decrypting and reproducing is well known at the time of the invention was made and Carny et al. discloses this limitation wherein “a deciphering device for simultaneously deciphering the different ones of the enciphered material information, from recording unit, on the basis of the obtained corresponding plural deciphering information to generate the audiovisual contents by simultaneously reproducing a plurality of contents from the

pieces of enciphered material information recorded on the recording unit". Carny et al. teaches a method of independently and simultaneously encrypting/decrypting (fig. 2b elements 252, 254, and 256) segmented audio/video digital content (see 0008 and 0047) using plurality of different keys (see abstract, fig. 1, 0013, 0019, and par. 0052-0053).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Carny et al. within the system of Kawada because they are analogous in content protection. One would have been motivated to incorporate the teachings of Carny et al. and modify it to let users order same content in different languages and encrypting the different languages in different keys and charge users different prices for the extra language contents ordered to satisfy user needs.

The combination of Kawada et al. and Carny et al. fail to disclose recording audiovisual contents temporally parallel to each other. However Kimura discloses an audio/video data recording/reproducing apparatus simultaneously recording parallel data in recording tracks and sequentially reproducing the contents of the recording tracks (see abstract, and col. 2 lines 5-28).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Kimura within the combination system because they are analogous in audio/video content recording and reproducing apparatus. One would have been motivated to incorporate the teachings because it would retrieve data sequentially.

Regarding claim 10, Kawada et al. teaches an information reproducing apparatus, comprising:

a receiver for receiving audiovisual information from a broadcast source (fig. 4);

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a first recording medium connected to the receiver to accept the received audiovisual information and for storing the received audiovisual information as pieces of enciphered material information, the pieces of enciphered material information being independently enciphered (fig. 4, 0009, 0067; *consumer data... industrial data, and/or compressed pieces of encrypted audio/video data that are different, encrypted independently using different keys, is recorded on optical disk*);

a deciphering information obtaining part connected to an input port for receiving plural deciphering information, each of the plural deciphering information respectively corresponding to a different one of the stored pieces of enciphered material information (0045, 0049, 0064 and 0073-0074; *different information (industrial data... consumer data) that is segmented in to pieces is decrypted using different license keys that belongs to the industrial and/or consumer*); and

a deciphering device applying each of the plural deciphering information to the corresponding different ones of the stored pieces of enciphered material information for deciphering the corresponding plural ones of the stored pieces of enciphered material information to generate audiovisual contents by reproducing a plurality of the temporal parallel contents from the pieces of enciphered material information recorded on the recording unit (0045, 0049, 0064 and 0073-0074; *different information (industrial data... consumer data) that is segmented in to pieces is decrypted using different license keys that belongs to the industrial and/or consumer*).

Kawada discloses a recording apparatus recording compressed and encrypted audio/video data into different directory of a single optical disk for use by consumer or industrial using

different license keys to decrypt the audio/video content (0008-0014). However, Kawada fails to disclose simultaneously decrypting and reproducing the enciphered audio/video content since the audio/video content is intended to either the industrial use or consumer use.

Nevertheless, simultaneously decrypting and reproducing is well known at the time of the invention was made and Carny et al. discloses this limitation wherein “a deciphering device for simultaneously deciphering the different ones of the enciphered material information, from recording unit, on the basis of the obtained corresponding plural deciphering information to generate the audiovisual contents by simultaneously reproducing a plurality of contents from the pieces of enciphered material information recorded on the recording unit”. Carny et al. teaches a method of independently and simultaneously encrypting/decrypting (fig. 2b elements 252, 254, and 256) segmented audio/video digital content (see 0008 and 0047) using plurality of different **keys** (see abstract, fig. 1, 0013, 0019, and par. 0052-0053).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Carny et al. within the system of Kawada because they are analogous in content protection. One would have been motivated to incorporate the teachings of Carny et al. and modify it to let users order same content in different languages and encrypting the different languages in different keys and charge users different prices for the extra language contents ordered to satisfy user needs.

The combination of Kawada et al. and Carny et al. fail to disclose recording audiovisual contents temporally parallel to each other. However Kimura discloses an audio/video data recording/reproducing apparatus simultaneously recording parallel data in recording tracks and sequentially reproducing the contents of the recording tracks (see abstract, and col. 2 lines 5-28).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Kimura within the combination system because they are analogous in audio/video content recording and reproducing apparatus. One would have been motivated to incorporate the teachings because it would retrieve data sequentially.

Regarding claim 2, Kawada et al. further teaches the information reproducing apparatus, wherein the material information (*VOBs*) is constituted by pieces of unit material information each having a predetermined amount of information (0037, 0039, 0045, and 0049; *consumer/industrial data ... title... keys ... usages rights ...*), and

the deciphering information includes license information and identification information for identifying the pieces of unit material information which can be deciphered by the license information (0063-0064 and 0073-0074; *industrial data identifier ... consumer data identifier ... usage right key*).

Regarding claim 3, Kawada et al. discloses the information reproducing apparatus, wherein the material information is constituted by a unit material information group constituted by pieces of unit material information each having a predetermined amount of information (0037, 0039, 0045, and 0049), and

the deciphering information includes license information and identification information for identifying the unit material information group which can be deciphered by the license information (0063-0064 and 0073-0074).



Regarding claim 4, Kawada et al. discloses the information reproducing apparatus, wherein the deciphering information includes license information and identification information for identifying the material information which can be deciphered by the license information (0063-0064 and 0073-0074).

Regarding claim 5, Kawada et al. discloses the information reproducing apparatus, wherein the recording unit includes a first recording medium which records the record information and a second recording medium which records the license information such that the license information is prevented from being illegally used (claim 1; *first and second writing unit ... recording encrypted content and message data/usage data*), and the deciphering information further includes position information representing a recording position of the license information in the second recording medium (0072-0073 and claim 4-5).

Regarding claim 6, Kawada et al. discloses the information reproducing apparatus, wherein the position information is enciphered and recorded in the recording unit, and position information deciphering information for deciphering the position information is recorded on the second recording medium (claim 5), and the obtaining device deciphers the position information on the basis of the position information deciphering information and obtains the license information from the second recording medium on the basis of the deciphered position information (0061-0064).

Regarding claim 9, Kawada et al. discloses an information recording medium wherein the information reproducing program is recorded such that the information reproducing program can be read by a computer included in an information reproducing apparatus (fig. 4).

Regarding claim 11 Kawada further discloses an information reproducing apparatus, wherein, the deciphering information obtaining part stores the received plural deciphering information in a second recording medium (fig. 4 and 12), and

the deciphering device is connected to the first and second recording medium to respectively obtain the stored pieces of enciphered material information and the corresponding plural deciphering information (fig. 4 and 13).

Regarding claim 12, Kawada discloses, wherein, the deciphering information obtaining part is configured to obtain selected ones of the plural deciphering information independently and at a time later than the receiver receiving the audiovisual information from the broadcast source, the selected ones of the plural deciphering information being stored on the second recording medium (Kawada 0073-0074; *license/usage rights ... content ... decrypting keys for consumer ... industrial*).

Regarding claims 13 and 14, an information reproducing apparatus, wherein, the first recording medium is a hard drive, and the second recording medium is a protection chip (the examiner takes an official notice on the protection chip recording medium and hard drive recording medium as a well known at the time of the invention. For instance applicant is referred

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to look at Matsumoto et al. uspn 7110262 for protection chip because it would record in different removable medium). And the examiner provides Nishiyama et al. USPN 6725460 for the well known hard drive recording medium recording broadcasting information broadcasted remotely. One would have been motivated to incorporate these teachings because it is well known at the time of the invention.

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hasegawa 9003213 B1 discloses the well-known recording broadcasted information.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eleni A. Shiferaw whose telephone number is 571-272-3867.

The examiner can normally be reached on Mon-Fri 8:00am-5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser R. Moazzami can be reached on (571) 272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



May 31, 2007

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